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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Brittney Concepcion,

Petitioner,

v.

State of Nevada, et al.,

Respondents.

Case No.: 2:24-cv-01624-APG-MDC

**Order Dismissing Improperly Commenced  
Habeas Proceeding**

Petitioner, a Nevada prisoner, submitted a petition for writ of habeas corpus under 28 U.S.C. § 2241. ECF No. 1-1. Petitioner has not filed an application to proceed *in forma pauperis* or paid the filing fee. *See* 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2. Because this matter has not been properly commenced, it is dismissed. The dismissal is without prejudice to bringing a **new** action under 28 U.S.C. § 2254 with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

In addition, it appears that petitioner wishes to challenge her state court judgment of conviction. The proper vehicle for such a challenge is a petition for writ of habeas corpus under § 2254, not § 2241.

I THEREFORE ORDER that this action is dismissed without prejudice. The Clerk is directed to close this case.

1 I FURTHER ORDER that a certificate of appealability is denied as jurists of reason  
2 would not find my dismissal of this improperly commenced action without prejudice to be  
3 debatable or incorrect.

4 I FURTHER ORDER that the Clerk shall send petitioner two copies each of an  
5 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section  
6 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers  
7 that he submitted in this action.

8 Dated: September 4, 2024



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U.S. District Judge Andrew P. Gordon